

107TH CONGRESS  
1ST SESSION

# S. 1749

To enhance the border security of the United States, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2001

Mr. KENNEDY (for himself, Mr. BROWNBACK, Mrs. FEINSTEIN, Mr. KYL, Mr. LEAHY, Mr. HATCH, Mr. EDWARDS, Mr. HELMS, Mr. DURBIN, Mr. THURMOND, Mr. CONRAD, Mr. BOND, Mrs. CLINTON, Mr. SESSIONS, Mr. DEWINE, and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To enhance the border security of the United States, and  
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Enhanced Border Security and Visa Entry Reform Act  
6 of 2001”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Definitions.

## TITLE I—FUNDING

- Sec. 101. Authorization of appropriations for hiring and training Government personnel.
- Sec. 102. Authorization of appropriations for improvements in technology and infrastructure.
- Sec. 103. Machine-readable visa fees.

## TITLE II—INTERAGENCY INFORMATION SHARING

- Sec. 201. Interim measures for access to and coordination of law enforcement and other information.
- Sec. 202. Interoperable law enforcement and intelligence data system with name-matching capacity and training.

## TITLE III—VISA ISSUANCE

- Sec. 301. Electronic provision of visa files.
- Sec. 302. Implementation of an integrated entry and exit data system.
- Sec. 303. Machine-readable, tamper-resistant entry and exit documents.
- Sec. 304. Terrorist lookout committees.
- Sec. 305. Improved training for consular officers.
- Sec. 306. Restriction on admissibility of nonimmigrants who are from countries that are state sponsors of international terrorism.
- Sec. 307. Designation of program countries under the Visa Waiver Program.
- Sec. 308. Tracking system for stolen passports.

## TITLE IV—ADMISSION AND INSPECTION OF ALIENS

- Sec. 401. Study of the feasibility of a North American Perimeter National Security Program.
- Sec. 402. Passenger manifests.
- Sec. 403. Prearrival messages from other vessels destined to United States ports.
- Sec. 404. Time period for inspections.

## TITLE V—FOREIGN STUDENTS AND EXCHANGE VISITORS

- Sec. 501. Foreign student monitoring program.
- Sec. 502. Review of institutions and other entities authorized to enroll or sponsor certain nonimmigrants.

## TITLE VI—MISCELLANEOUS PROVISIONS

- Sec. 601. Treatment of immigration inspectors as law enforcement officers for purposes of Federal retirement benefits.
- Sec. 602. Extension of deadline for improvement in border crossing identification cards.
- Sec. 603. General Accounting Office study.
- Sec. 604. International cooperation.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

1           (1) APPROPRIATE COMMITTEES OF CON-  
2       GRESS.—The term “appropriate committees of Con-  
3       gress” means the following:

4           (A) The Committee on the Judiciary, the  
5       Select Committee on Intelligence, and the Com-  
6       mittee on Foreign Relations of the Senate.

7           (B) The Committee on the Judiciary, the  
8       Permanent Select Committee on Intelligence,  
9       and the Committee on International Relations  
10      of the House of Representatives.

11          (2) INTELLIGENCE COMMUNITY.—The term  
12      “intelligence community” has the meaning given  
13      that term in section 3(4) of the National Security  
14      Act of 1947 (50 U.S.C. 401a(4)).

15          (3) PRESIDENT.—The term “President” means  
16      the President of the United States, acting through  
17      the Director of the Office of Homeland Security, in  
18      conjunction with the Secretary of State, the Com-  
19      missioner of Immigration and Naturalization, the  
20      Attorney General, the Director of Central Intel-  
21      ligence, the Director of the Federal Bureau of Inves-  
22      tigation, and the Secretary of the Treasury.

23          (4) USA PATRIOT ACT.—The term “USA  
24      PATRIOT Act” means the Uniting and Strength-  
25      ening America by Providing Appropriate Tools Re-

quired to Intercept and Obstruct Terrorism (USA  
PATRIOT ACT) Act of 2001 (Public Law 107–56).

## **TITLE I—FUNDING**

### **SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR HIR- ING AND TRAINING GOVERNMENT PER- SONNEL.**

(a) ADDITIONAL PERSONNEL.—

(1) INS INSPECTORS.—During each of fiscal  
years 2002 through 2006, the Attorney General  
shall increase the number of inspectors and associ-  
ated support staff in the Immigration and Natu-  
ralization Service by the equivalent of at least 200  
full-time employees over the number of inspectors  
and associated support staff in the Immigration and  
Naturalization Service as of the end of the preceding  
fiscal year.

(2) INS INVESTIGATIVE PERSONNEL.—During  
each of fiscal years 2002 through 2006, the Attor-  
ney General shall increase the number of investiga-  
tive and associated support staff of the Immigration  
and Naturalization Service by the equivalent of at  
least 200 full-time employees over the number of in-  
vestigators and associated support staff in the Immi-  
gration and Naturalization Service as of the end of  
the preceding fiscal year.

1           (3) CUSTOMS SERVICE INSPECTORS.—During  
2       each of fiscal years 2002 through 2006, the Sec-  
3       retary of the Treasury shall increase the number of  
4       inspectors and associated support staff in the United  
5       States Customs Service by the equivalent of at least  
6       200 full-time employees over the number of inspec-  
7       tors and associated support staff in the United  
8       States Customs Service as of the end of the pre-  
9       ceding fiscal year.

10          (4) AUTHORIZATION OF APPROPRIATIONS.—  
11       There are authorized to be appropriated such sums  
12       as may be necessary to carry out this subsection.

13          (b) WAIVER OF FTE LIMITATION.—The Attorney  
14       General is authorized to waive any limitation on the num-  
15       ber of full-time equivalent personnel assigned to the Immi-  
16       gration and Naturalization Service.

17          (c) AUTHORIZATION OF APPROPRIATIONS FOR INS  
18       STAFFING.—

19            (1) IN GENERAL.—There are authorized to be  
20       appropriated for the Department of Justice such  
21       sums as may be necessary to provide an increase in  
22       the annual rate of basic pay—

23                  (A) for all journeyman Border Patrol  
24               agents and inspectors who have completed at  
25               least one year's service and are receiving an an-

1           nual rate of basic pay for positions at GS–9 of  
2           the General Schedule under section 5332 of  
3           title 5, United States Code, from the annual  
4           rate of basic pay payable for positions at GS–  
5           9 of the General Schedule under such section  
6           5332, to an annual rate of basic pay payable  
7           for positions at GS–11 of the General Schedule  
8           under such section 5332;

9           (B) for inspections assistants, from the an-  
10          nual rate of basic pay payable for positions at  
11          GS–5 of the General Schedule under section  
12          5332 of title 5, United States Code, to an an-  
13          nual rate of basic pay payable for positions at  
14          GS–7 of the General Schedule under such sec-  
15          tion 5332; and

16          (C) for the support staff associated with  
17          the personnel described in subparagraphs (A)  
18          and (B), at the appropriate GS level of the  
19          General Schedule under such section 5332.

20          (d) AUTHORIZATION OF APPROPRIATIONS FOR  
21 TRAINING.—There are authorized to be appropriated such  
22 sums as may be necessary—

23           (1) to appropriately train Border Patrol per-  
24          sonnel, United States Customs Service personnel,  
25          and Immigration inspectors on an ongoing basis to

1 ensure that their proficiency levels are acceptable to  
2 protect the borders of the United States;

3 (2) to provide adequate continuing cross-train-  
4 ing to agencies staffing the United States ports of  
5 entry to effectively and correctly apply applicable  
6 United States laws;

7 (3) to fully train immigration inspectors to use  
8 the appropriate lookout databases and to monitor  
9 passenger traffic patterns; and

10 (4) to expand the Carrier Consultant Program  
11 described in section 235(b) of the Immigration and  
12 Nationality Act (8 U.S.C. 1225A(b)).

13 (e) AUTHORIZATION OF APPROPRIATIONS FOR CON-  
14 SULAR FUNCTIONS.—

15 (1) RESPONSIBILITIES.—The Secretary of State  
16 shall—

17 (A) implement enhanced security measures  
18 for the review of visa applicants;

19 (B) enhance the interface between United  
20 States and international intelligence informa-  
21 tion;

22 (C) staff the facilities and programs asso-  
23 ciated with the activities described in subpara-  
24 graphs (A) and (B); and

1 (D) provide ongoing training for consular  
2 officers.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated for the De-  
5 partment of State such sums as may be necessary  
6 to carry out paragraph (1).

7 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR IM-**  
8 **PROVEMENTS IN TECHNOLOGY AND INFRA-**  
9 **STRUCTURE.**

10 (a) FUNDING OF TECHNOLOGY.—

11 (1) AUTHORIZATION OF APPROPRIATIONS.—In  
12 addition to funds otherwise available for such pur-  
13 pose, there are authorized to be appropriated  
14 \$150,000,000 to the Immigration and Naturaliza-  
15 tion Service, and \$150,000,000 to the United States  
16 Customs Service, for purposes of—

17 (A) making improvements in technology  
18 (including infrastructure support, computer se-  
19 curity, and information technology develop-  
20 ment) for improving border security;

21 (B) expanding, utilizing, and improving  
22 technology to improve border security; and

23 (C) facilitating the flow of commerce at  
24 ports of entry, including improving and expand-



1           ing    programs    for    preenrollment    and  
2           preclearance.

3           (2) WAIVER OF FEES.—Federal agencies in-  
4    volved in border security may waive enrollment fees  
5    for technology-based programs to encourage alien  
6    participation in such programs.

7           (3) OFFSET OF INCREASES IN FEES.—The At-  
8    torney General may, to the extent reasonable, in-  
9    crease land border fees for the issuance of arrival-  
10   departure documents to offset technology costs.

11       (b) IMPROVEMENT AND EXPANSION OF INS, STATE  
12   DEPARTMENT, AND CUSTOMS FACILITIES.—There are  
13   appropriated to the Immigration and Naturalization Serv-  
14   ice, the United States Customs Service, and the Depart-  
15   ment of State such sums as may be necessary to improve  
16   and expand facilities for use by the personnel of those  
17   agencies.

18       (c) READERS AND SCANNERS AT PORTS OF  
19   ENTRY.—

20           (1) IN GENERAL.—Not later than October 26,  
21   2003, the Attorney General shall install equipment  
22   and software to allow biometric comparison of all  
23   travel documents issued to aliens at all ports of  
24   entry of the United States.

1           (2) USE OF READERS AND SCANNERS.—The  
 2       Attorney General shall utilize biometric data readers  
 3       and scanners that the National Institute of Stand-  
 4       ards and Technology has determined to be highly ac-  
 5       curate when used to verify identity.

6           (3) AUTHORIZATION OF APPROPRIATIONS.—  
 7       There are authorized to be appropriated to the De-  
 8       partment of Justice and the Department of State  
 9       such sums as may be necessary to carry out this  
 10      subsection.

11 **SEC. 103. MACHINE-READABLE VISA FEES.**

12       (a) RELATION TO SUBSEQUENT AUTHORIZATION  
 13      ACTS.—Section 140(a) of the Foreign Relations Author-  
 14      ization Act, Fiscal Years 1994 and 1995 (Public Law  
 15      103–236) is amended by striking paragraph (3).

16       (b) FEE AMOUNT.—The machine-readable visa fee  
 17      charged by the Department of State shall be the higher  
 18      of \$65 or the cost of the machine-readable visa service,  
 19      as determined by the Secretary of State after conducting  
 20      a study of the cost of such service.

21       (c) SURCHARGE.—The Department of State is au-  
 22      thorized to charge a surcharge of \$10, in addition to the  
 23      machine-readable visa fee, for issuing a machine-readable  
 24      visa in a nonmachine-readable passport.

1 (d) AVAILABILITY OF COLLECTED FEES.—Notwith-  
 2 standing any other provision of law, amounts collected as  
 3 fees described in this subsection shall be credited as an  
 4 offsetting collection to any appropriation for the Depart-  
 5 ment of State to recover costs of providing consular serv-  
 6 ices. Amounts so credited shall be available, until ex-  
 7 pended, for the same purposes as the appropriation to  
 8 which credited.

## 9 **TITLE II—INTERAGENCY** 10 **INFORMATION SHARING**

### 11 **SEC. 201. INTERIM MEASURES FOR ACCESS TO AND CO-** 12 **ORDINATION OF LAW ENFORCEMENT AND** 13 **OTHER INFORMATION.**

14 (a) INTERIM DIRECTIVE.—Until the plan required by  
 15 subsection (c) is implemented, United States law enforce-  
 16 ment agencies and the intelligence community shall, to the  
 17 maximum extent practicable, share any information with  
 18 the Department of State and the Immigration and Natu-  
 19 ralization Service relevant to the admissibility and deport-  
 20 ability of aliens, consistent with the plan described in sub-  
 21 section (c).

22 (b) REPORT IDENTIFYING LAW ENFORCEMENT AND  
 23 INTELLIGENCE INFORMATION.—

24 (1) IN GENERAL.—Not later than 120 days  
 25 after the date of enactment of this Act, the Presi-

1       dent shall submit to the appropriate committees of  
2       Congress a report identifying United States law en-  
3       forcement and the intelligence community informa-  
4       tion, including information available through foreign  
5       and international counterpart agencies and organiza-  
6       tions, needed by the Department of State to screen  
7       visa applicants, or by the Immigration and Natu-  
8       ralization Service to screen applicants for admission  
9       to the United States, and to identify those aliens in-  
10      admissible or deportable under the Immigration and  
11      Nationality Act. The report shall also make specific  
12      recommendations regarding the selection and use of  
13      biometric identifiers as described in section 303 that  
14      the National Institute of Standards and Technology  
15      has determined to be highly accurate when used to  
16      verify identity.

17           (2) REPEAL.—Section 414(d) of the USA PA-  
18      TRIOT Act is hereby repealed.

19      (c) COORDINATION PLAN.—

20           (1) REQUIREMENT FOR PLAN.—Not later than  
21      one year after the date of enactment of the USA  
22      PATRIOT Act, the President shall develop and im-  
23      plement a plan based on the findings of the report  
24      under subsection (b) that requires United States law  
25      enforcement agencies and the intelligence community

1 to provide to the Department of State and the Im-  
2 migration and Naturalization Service all information  
3 identified in that report as expeditiously as prac-  
4 ticable.

5 (2) CONSULTATION REQUIREMENT.—In the  
6 preparation and implementation of the plan under  
7 this subsection, the President shall consult with the  
8 appropriate committees of Congress.

9 (3) PROTECTIONS REGARDING INFORMATION  
10 AND USES THEREOF.—The plan under this sub-  
11 section shall establish conditions for using the infor-  
12 mation described in subsection (b) received by the  
13 Department of State and Immigration and Natu-  
14 ralization Service—

15 (A) to limit the redissemination of such in-  
16 formation;

17 (B) to ensure that such information is  
18 used solely to determine whether to issue a visa  
19 to an alien or to determine the admissibility or  
20 deportability of an alien to the United States,  
21 except as otherwise authorized under Federal  
22 law;

23 (C) to ensure the accuracy, security, and  
24 confidentiality of such information;

1 (D) to protect any privacy rights of indi-  
2 viduals who are subjects of such information;

3 (E) to provide for the timely removal and  
4 destruction of obsolete or inaccurate informa-  
5 tion; and

6 (F) in a manner that protects the sources  
7 and methods used to acquire intelligence infor-  
8 mation as required by section 103(c)(6) of the  
9 National Security Act of 1947 (50 U.S.C. 403–  
10 3(c)(6)).

11 (4) CRIMINAL PENALTIES FOR MISUSE OF IN-  
12 FORMATION.—Any person who obtains information  
13 under this subsection without authorization or ex-  
14 ceeding authorized access (as defined in section  
15 1030(e) of title 18, United States Code), and who  
16 uses such information in the manner described in  
17 any of the paragraphs (1) through (7) of section  
18 1030(a) of such title, or attempts to use such infor-  
19 mation in such manner, shall be subject to the same  
20 penalties as are applicable under section 1030(c) of  
21 such title for violation of that paragraph.

22 (5) ADVANCING DEADLINES FOR A TECH-  
23 NOLOGY STANDARD AND REPORT.—Section 403(c)  
24 of the USA PATRIOT Act is amended—

1 (1) in paragraph (1), by striking “2 years”  
 2 and inserting “one year”; and  
 3 (2) in paragraph (4), by striking “18  
 4 months” and inserting “six months”.

5 **SEC. 202. INTEROPERABLE LAW ENFORCEMENT AND IN-**  
 6 **TELLIGENCE DATA SYSTEM WITH NAME-**  
 7 **MATCHING CAPACITY AND TRAINING.**

8 (a) INTEROPERABLE LAW ENFORCEMENT AND IN-  
 9 TELLIGENCE ELECTRONIC DATA SYSTEM.—

10 (1) REQUIREMENT FOR INTEROPERABLE DATA  
 11 SYSTEM.—Upon the date of commencement of im-  
 12 plementation of the plan required by section 201(c),  
 13 the President shall develop and implement an inter-  
 14 operable electronic data system to provide current  
 15 and immediate access to information in databases of  
 16 United States law enforcement agencies and the in-  
 17 telligence community that is relevant to determine  
 18 whether to issue a visa or to determine the admissi-  
 19 bility or deportability of an alien.

20 (2) CONSULTATION REQUIREMENT.—In the de-  
 21 velopment and implementation of the data system  
 22 under this subsection, the President shall consult  
 23 with the Director of the National Institute of Stand-  
 24 ards and Technology (NIST) and any such other  
 25 agency as may be deemed appropriate.

1 (3) TECHNOLOGY STANDARD.—

2 (A) IN GENERAL.—The data system devel-  
 3 oped and implemented under this subsection,  
 4 and the databases referred to in paragraph (1),  
 5 shall utilize the technology standard established  
 6 pursuant to section 403(c) of the USA PA-  
 7 TRIOT Act, as amended by section 201(c)(5)  
 8 and subparagraph (B).

9 (B) CONFORMING AMENDMENT.—Section  
 10 403(c) of the USA PATRIOT Act, as amended  
 11 by section 201(c)(5), is further amended—

12 (i) in paragraph (1), by inserting “,  
 13 including appropriate biometric stand-  
 14 ards,” after “technology standard”; and

15 (ii) in paragraph (2) —

16 (I) by striking “INTEGRATED”  
 17 and inserting “INTEROPERABLE”; and

18 (II) by striking “integrated” and  
 19 inserting “interoperable”.

20 (4) ACCESS TO INFORMATION IN DATA SYS-  
 21 TEM.—Subject to paragraph (5), information in the  
 22 data system under this subsection shall be readily  
 23 and easily accessible—

24 (A) to any consular officer responsible for  
 25 the issuance of visas;



1 (B) to any Federal official responsible for  
 2 determining the admissibility or deportability of  
 3 an alien to the United States; and

4 (C) to any Federal law enforcement or in-  
 5 telligence officer determined by regulation to be  
 6 responsible for the investigation or identifica-  
 7 tion of aliens.

8 (5) LIMITATION ON ACCESS.—The President  
 9 shall establish procedures to restrict access to intel-  
 10 ligence information in the data system under this  
 11 subsection, and the databases referred to in para-  
 12 graph (1), under circumstances in which such infor-  
 13 mation is not to be disclosed directly to Government  
 14 officials under paragraph (4).

15 (b) NAME-SEARCH CAPACITY AND SUPPORT.—

16 (1) IN GENERAL.—The interoperable electronic  
 17 data system required by subsection (a) shall—

18 (A) have the capacity to compensate for  
 19 disparate name formats among the different  
 20 databases referred to in subsection (a);

21 (B) be searchable on a linguistically sen-  
 22 sitive basis;

23 (C) provide adequate user support;

24 (D) to the extent practicable, utilize com-  
 25 mercially available technology; and

1 (E) be adjusted and improved, based upon  
 2 experience with the databases and improve-  
 3 ments in the underlying technologies and  
 4 sciences, on a continuing basis.

5 (2) LINGUISTICALLY SENSITIVE SEARCHES.—

6 (A) IN GENERAL.—To satisfy the require-  
 7 ment of paragraph (1)(B), the interoperable  
 8 electronic database shall be searchable based on  
 9 linguistically sensitive algorithms that—

10 (i) account for variations in name for-  
 11 mats and transliterations, including varied  
 12 spellings and varied separation or combina-  
 13 tion of name elements, within a particular  
 14 language; and

15 (ii) incorporate advanced linguistic,  
 16 mathematical, statistical, and anthropo-  
 17 logical research and methods.

18 (B) LANGUAGES REQUIRED.—

19 (i) PRIORITY LANGUAGES.—Linguis-  
 20 tically sensitive algorithms shall be devel-  
 21 oped and implemented for no fewer than 4  
 22 languages designated as high priorities by  
 23 the Secretary of State, the Attorney Gen-  
 24 eral, and the Director of Central Intel-  
 25 ligence.

1 (ii) IMPLEMENTATION SCHEDULE.—

2 Of the 4 linguistically sensitive algorithms  
3 required to be developed and implemented  
4 under clause (i)—

5 (I) the two highest priority lan-  
6 guage algorithms shall be imple-  
7 mented within 12 months after the  
8 date of enactment of this Act; and

9 (II) an additional language algo-  
10 rithm shall be implemented each suc-  
11 ceeding year for the next two years.

12 (3) ADEQUATE USER SUPPORT.—To satisfy the  
13 requirement of paragraph (1)(C), the interoperable  
14 electronic data system shall provide—

15 (A) authoritative, easily accessed informa-  
16 tion about the nature, structure, and likely gen-  
17 der of names in different languages, including  
18 at least those languages specified pursuant to  
19 paragraph (2)(B); and

20 (B) a means for communication of ques-  
21 tions to Government experts.

22 (4) INTERIM REPORTS.—Six months after the  
23 date of enactment of this Act, the President shall  
24 submit a report to the appropriate committees of

Congress on the progress in implementing each requirement of this section.

(5) REPORTS BY INTELLIGENCE AGENCIES.—

(A) CURRENT STANDARDS.—Not later than 60 days after the date of enactment of this Act, the Director of Central Intelligence shall complete the survey and issue the report previously required by section 309(a) of the Intelligence Authorization Act for Fiscal Year 1998 (50 U.S.C. 403–3 note).

(B) GUIDELINES.—Not later than 120 days after the date of enactment of this Act, the Director of Intelligence shall issue the guidelines and submit the copy of those guidelines previously required by section 309(b) of the Intelligence Authorization Act for Fiscal Year 1998 (50 U.S.C. 403–3 note).

(6) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out the provisions of this subsection.

## **TITLE III—VISA ISSUANCE**

### **SEC. 301. ELECTRONIC PROVISION OF VISA FILES.**

Section 221(a) of the Immigration and Nationality Act (8 U.S.C. 1201(a)) is amended—

1           (1) by redesignating paragraphs (1) and (2) as  
2           subparagraphs (A) and (B), respectively;

3           (2) by inserting “(1)” immediately after “(a)”;  
4           and

5           (3) by adding at the end the following:

6           “(2) The consular officer issuing a visa to an alien  
7           shall provide to the Service an electronic version of the  
8           alien’s visa file to ensure that the data in that visa file  
9           is available to immigration inspectors at the United States  
10          ports of entry before the arrival of the alien at such a  
11          port of entry.”.

12   **SEC. 302. IMPLEMENTATION OF AN INTEGRATED ENTRY**  
13                           **AND EXIT DATA SYSTEM.**

14          (a) DEVELOPMENT OF SYSTEM.—In developing the  
15          integrated entry and exit data system for the ports of  
16          entry, as required by the Immigration and Naturalization  
17          Service Data Management Improvement Act of 2000  
18          (Public Law 106–215), the Attorney General and the Sec-  
19          retary of State shall—

20               (1) implement, fund, and use a technology  
21               standard under section 403(c) of the USA PA-  
22               TRIOT Act (as amended by sections 201(c)(5) and  
23               202(a)(3)(B)) at United States ports of entry and at  
24               consular posts abroad;

1           (2) establish a database containing the arrival  
2           and departure data from machine-readable visas,  
3           passports, and arrival-departure records; and

4           (3) make interoperable all security databases  
5           relevant to making determinations of admissibility  
6           under section 212 of the Immigration and Nation-  
7           ality Act (8 U.S.C. 1182).

8           (b) IMPLEMENTATION.—In implementing the provi-  
9           sions of subsection (a), the Immigration and Naturaliza-  
10          tion Service and the Department of State shall utilize—

11           (1) technologies that facilitate the lawful cross-  
12           border movement of persons and commerce without  
13           compromising the safety and security of the United  
14           States; and

15           (2) consider implementing the North American  
16           Perimeter National Security Program described in  
17           section 401.

18   **SEC. 303. MACHINE-READABLE, TAMPER-RESISTANT ENTRY**

19                   **AND EXIT DOCUMENTS.**

20           (a) REPORT.—Not later than 180 days after the date  
21           of enactment of this Act, the Attorney General and the  
22           Secretary of State shall each submit a report to the appro-  
23           priate committees of Congress containing a schedule, and  
24           a statement of the costs, with respect to the department  
25           that the official heads, for—

1           (1) the full implementation of the requirements  
2       of subsection (b); and

3           (2) the full deployment of the equipment and  
4       software to allow biometric comparison of the docu-  
5       ments described in subsection (b).

6       (b) REQUIREMENTS.—Not later than October 26,  
7   2003, the Attorney General and the Secretary of State  
8   shall commence—

9           (1) the issuance of machine-readable, tamper-  
10      resistant travel documents issued to aliens that use  
11      standardized biometric identifiers pursuant to the  
12      recommendations in section 201(b); and

13          (2) requiring aliens who seek to enter the  
14      United States under the visa waiver program estab-  
15      lished under section 217 of the Immigration and Na-  
16      tionality Act to possess tamper-resistant, machine-  
17      readable passports using standardized biometric  
18      identifiers pursuant to that section.

19      (c) USE OF TECHNOLOGY STANDARD.—The systems  
20   employed to implement subsection (b) shall utilize the  
21   technology standard established pursuant to section  
22   403(c) of the USA PATRIOT Act, as amended by section  
23   201(c)(5) and 202(a)(3)(B).

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as may be  
3 necessary to carry out this section.

4 **SEC. 304. TERRORIST LOOKOUT COMMITTEES.**

5 (a) ESTABLISHMENT.—Not later than 30 days after  
6 the date of enactment of this Act, the Secretary of State  
7 shall establish a terrorist lookout committee within each  
8 United States mission to a foreign country in which there  
9 is a United States consular post.

10 (b) PURPOSE.—The purpose of each committee es-  
11 tablished under subsection (a) shall be—

12 (1) to utilize the cooperative resources of all ele-  
13 ments of the United States mission in the country  
14 in which the consular post is located to identify po-  
15 tential terrorists and to develop information on those  
16 individuals;

17 (2) to ensure that the names of known and sus-  
18 pected terrorists are routinely and consistently  
19 brought to the attention of the appropriate United  
20 States consular post in that country; and

21 (3) to ensure that the names of known and sus-  
22 pected terrorists are entered into the appropriate  
23 lookout databases.

24 (c) COMPOSITION; CHAIR.—Each committee shall be  
25 composed of representatives of appropriate entities at the



1 United States mission in the country in which the consular  
2 post is located, including representatives of relevant law  
3 enforcement and intelligence entities, and shall be chaired  
4 by the deputy chief of mission or principal officer of that  
5 post.

6 (d) MEETINGS.—The committee shall meet at least  
7 monthly to share information pertaining to the commit-  
8 tee’s purpose as described in paragraph (2). The pendency  
9 of a scheduled meeting shall not be grounds for any entity  
10 to withhold urgent or otherwise time-sensitive information.

11 (e) PERIODIC REPORTS.—The committee shall sub-  
12 mit quarterly reports to the Secretary of State describing  
13 the committee’s activities, whether or not information on  
14 known or suspected terrorists was developed during the  
15 quarter.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated such sums as may be  
18 necessary to implement this section.

19 **SEC. 305. IMPROVED TRAINING FOR CONSULAR OFFICERS.**

20 (a) TRAINING.—The Secretary of State shall require  
21 that all consular officers, before undertaking to perform  
22 consular responsibilities, receive specialized training in the  
23 effective screening of visa applicants who pose a potential  
24 threat to the safety or security of the United States. Such  
25 officers shall be specially and extensively trained in the

1 identification of aliens inadmissible under section  
 2 212(a)(3) (A) and (B) of the Immigration and Nationality  
 3 Act, interagency and international intelligence commu-  
 4 nication regarding terrorists and terrorism, and cultural-  
 5 sensitivity toward visa applicants.

6 (b) USE OF FOREIGN INTELLIGENCE INFORMA-  
 7 TION.—As an ongoing component of the training required  
 8 in subsection (a), the Secretary of State shall coordinate  
 9 with the Director of the Office of Homeland Security,  
 10 United States law enforcement agencies, and the intel-  
 11 ligence community to compile and disseminate to the Bu-  
 12 reau of Consular Affairs reports, bulletins, updates, and  
 13 other current unclassified information relevant to terror-  
 14 ists and terrorism and to screening visa applicants who  
 15 pose a potential threat to the safety or security of the  
 16 United States.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 18 are authorized to be appropriated such sums as may be  
 19 necessary to implement this section.

20 **SEC. 306. RESTRICTION ON ADMISSIBILITY OF NON-**  
 21 **IMMIGRANTS FROM COUNTRIES THAT ARE**  
 22 **STATE SPONSORS OF INTERNATIONAL TER-**  
 23 **RORISM.**

24 (a) IN GENERAL.—No nonimmigrant visa shall be  
 25 issued to any alien from a country that is a state sponsor

1 of international terrorism unless it has been determined  
 2 that such alien does not pose a threat to the safety or  
 3 national security of the United States according to stand-  
 4 ards developed by the Secretary of State, in consultation  
 5 with the Attorney General, and applicable to nationals of  
 6 such states. In addition to the consultation required under  
 7 the preceding sentence, any determination made by the  
 8 Secretary of State or the Attorney General under this sub-  
 9 section shall be made in consultation with the heads of  
 10 other appropriate United States agencies, using standards  
 11 applicable to nationals of such states.

12 (b) STATE SPONSOR OF INTERNATIONAL TERRORISM  
 13 DEFINED.—

14 (1) IN GENERAL.—In this section, the term  
 15 “state sponsor of international terrorism” means  
 16 any country the government of which has been de-  
 17 termined by the Secretary of State under any of the  
 18 laws specified in paragraph (2) to have repeatedly  
 19 provided support for acts of international terrorism.

20 (2) LAWS UNDER WHICH DETERMINATIONS  
 21 WERE MADE.—The laws specified in this paragraph  
 22 are the following:

23 (A) Section 6(j)(1)(A) of the Export Ad-  
 24 ministration Act of 1979 (or successor statute).

1 (B) Section 40(d) of the Arms Export  
2 Control Act.

3 (C) Section 620A(a) of the Foreign Assist-  
4 ance Act of 1961.

5 **SEC. 307. DESIGNATION OF PROGRAM COUNTRIES UNDER**  
6 **THE VISA WAIVER PROGRAM.**

7 (a) IN GENERAL.—As a condition of a country’s ini-  
8 tial designation or continued designation for participation  
9 in the visa waiver program under section 217 of the Immi-  
10 gration and Nationality Act, the Attorney General and the  
11 Secretary of State shall consider whether the country re-  
12 ports to the United States Government on a timely basis  
13 the theft of blank passports issued by that country.

14 (b) CHECK OF LOOKOUT DATABASES.—Prior to the  
15 admission of an alien under the visa waiver program es-  
16 tablished under section 217 of the Immigration and Na-  
17 tionality Act, the Immigration and Naturalization Service  
18 shall determine that the applicant for admission does not  
19 appear in any of the appropriate lookout databases.

20 **SEC. 308. TRACKING SYSTEM FOR STOLEN PASSPORTS.**

21 (a) ENTERING STOLEN PASSPORT IDENTIFICATION  
22 NUMBERS IN THE INTEROPERABLE DATA SYSTEM.—Not  
23 later than 72 hours after receiving notification of the loss  
24 or theft of a passport, the Attorney General shall enter  
25 into the interoperable law enforcement and intelligence

1 data system established in section 202 the corresponding  
2 identification number for the stolen passport.

3 (b) TRANSITION PERIOD.—Until such time as the  
4 system described in section 202 is fully implemented, the  
5 Attorney General shall enter the data described in sub-  
6 section (a) into an existing data system being used to de-  
7 termine the admissibility or deportability of aliens.

## 8 **TITLE IV—ADMISSION AND** 9 **INSPECTION OF ALIENS**

### 10 **SEC. 401. STUDY OF THE FEASIBILITY OF A NORTH AMER-** 11 **ICAN PERIMETER NATIONAL SECURITY PRO-** 12 **GRAM.**

13 (a) IN GENERAL.—The Secretary of State, the Sec-  
14 retary of the Treasury, the Attorney General, and the  
15 Commissioner of Immigration and Naturalization, in con-  
16 sultation with the Director of the Office of Homeland Se-  
17 curity, shall jointly conduct a study of the feasibility of  
18 establishing a North American Perimeter National Secu-  
19 rity Program to enhance the mutual security and safety  
20 of the United States, Canada, and Mexico.

21 (b) STUDY ELEMENTS.—In conducting the study re-  
22 quired by subsection (a), the officials specified in sub-  
23 section (a) shall consider the following:

24 (1) PRECLEARANCE.—The feasibility of estab-  
25 lishing a program enabling foreign national travelers

1 to the United States to submit voluntarily to a  
2 preclearance procedure established by the Depart-  
3 ment of State and the Immigration and Naturaliza-  
4 tion Service to determine whether such traveler is  
5 admissible to the United States under section 212  
6 of the Immigration and Nationality Act (8 U.S.C.  
7 1182). Consideration shall be given to the feasibility  
8 of expanding the preclearance program to include  
9 the preclearance both of foreign nationals traveling  
10 to Canada and foreign nationals traveling to Mexico.

11 (2) PREINSPECTION.—The feasibility of ex-  
12 panding preinspection facilities at foreign airports as  
13 described in section 235A of the Immigration and  
14 Nationality Act. Consideration shall be given to the  
15 feasibility of expanding preinspections to foreign na-  
16 tionals on air flights destined for Canada and Mex-  
17 ico, and the cross training and funding of inspectors  
18 from Canada and Mexico.

19 (3) CONDITIONS.—A determination of the  
20 measures necessary to ensure that the conditions re-  
21 quired by section 235A(a)(5) of the Immigration  
22 and Nationality Act (8 U.S.C. 1225a(a)(5)) are sat-  
23 isfied, including consultation with experts recognized  
24 for their expertise regarding the conditions required  
25 by that section.

1       (c) REPORT.—Not later than 180 days after the date  
 2 of enactment of this Act, the Secretary of State, the Sec-  
 3 retary of the Treasury, the Attorney General, and the  
 4 Commissioner of Immigration and Naturalization shall, in  
 5 consultation with the Director of the Office of Homeland  
 6 Security, jointly submit to the Committees on the Judici-  
 7 ary of the House of Representatives and the Senate a re-  
 8 port setting forth the findings of the study conducted  
 9 under subsection (a).

10       (d) AUTHORIZATION OF APPROPRIATIONS.—There  
 11 are authorized to be appropriated such sums as may be  
 12 necessary to carry out this section.

13 **SEC. 402. PASSENGER MANIFESTS.**

14       (a) IN GENERAL.—Section 231 of the Immigration  
 15 and Nationality Act (8 U.S.C. 1221(a)) is amended—

16           (1) by striking subsections (a), (b), (d), and (e);

17           (2) by redesignating subsection (c) as sub-  
 18 section (j); and

19           (3) by inserting after “SEC. 231.” the following  
 20 new subsections: “(a) ARRIVAL MANIFESTS.—For  
 21 each commercial vessel or aircraft transporting any  
 22 person to any seaport or airport of the United  
 23 States from any place outside the United States, it  
 24 shall be the duty of an official specified in subsection  
 25 (d) to provide to an immigration officer at that port

1       manifest information about each passenger, crew  
2       member, and other occupant transported on such  
3       vessel or aircraft prior to arrival at that port.

4       “(b) DEPARTURE MANIFESTS.—For each vessel or  
5       aircraft taking passengers on board at any seaport or air-  
6       port of the United States, who are destined to any place  
7       outside the United States, it shall be the duty of an appro-  
8       priate official specified in subsection (d) to provide an im-  
9       migration officer before departure from such port manifest  
10      information about each passenger, crew member, and  
11      other occupant to be transported.

12      “(c) CONTENTS OF MANIFEST.—The information to  
13      be provided with respect to each person listed on a mani-  
14      fest required to be provided under subsection (a) or (b)  
15      shall include—

16           “(1) complete name;

17           “(2) date of birth;

18           “(3) citizenship;

19           “(4) sex;

20           “(5) passport number and country of issuance;

21           “(6) country of residence;

22           “(7) United States visa number, date, and place  
23      of issuance, where applicable;

24           “(8) alien registration number, where applica-  
25      ble;



1           “(9) United States address while in the United  
2       States; and

3           “(10) such other information the Attorney Gen-  
4       eral, in consultation with the Secretary of State, and  
5       the Secretary of Treasury determines as being nec-  
6       essary for the identification of the persons trans-  
7       ported and for the enforcement of the immigration  
8       laws and to protect safety and national security.

9           “(d) APPROPRIATE OFFICIALS SPECIFIED.—An ap-  
10      propriate official specified in this subsection is the master  
11      or commanding officer, or authorized agent, owner, or con-  
12      signee, of the vessel or aircraft concerned.

13          “(e) EXTENSION TO LAND CARRIERS.—The Attorney  
14      General is authorized to extend, by regulation, the require-  
15      ments of subsection (a) or (b) to any public or private  
16      carrier transporting persons by land to or from the United  
17      States.

18          “(f) DEADLINE FOR REQUIREMENT OF ELECTRONIC  
19      TRANSMISSION OF MANIFEST INFORMATION.—Not later  
20      than January 1, 2003, manifest information required to  
21      be provided under subsection (a) or (b) shall be trans-  
22      mitted electronically.

23          “(g) PROHIBITION.—No operator of any private or  
24      public carrier that is under a duty to provide manifest in-  
25      formation under this section shall be granted clearance pa-

1 pers until the appropriate official specified in subsection  
2 (d) has complied with the requirements of this subsection,  
3 except that in the case of vessels, aircraft, or land carriers  
4 which the Attorney General determines are making reg-  
5 ular trips to the United States, the Attorney General may,  
6 when expedient, arrange for the provision of manifest in-  
7 formation of persons departing the United States at a  
8 later date.

9       “(h) PENALTIES AGAINST NONCOMPLYING SHIP-  
10 MENTS, AIRCRAFT, OR CARRIERS.—If it shall appear to  
11 the satisfaction of the Attorney General that an appro-  
12 priate official specified in subsection (d), any public or pri-  
13 vate carrier, or the agent of any transportation line, as  
14 the case may be, has refused or failed to provide manifest  
15 information required by subsection (a) or (b), or that the  
16 manifest information provided is not accurate and full,  
17 such official, carrier, or agent, as the case may be, shall  
18 pay to the Commissioner the sum of \$300 for each person  
19 with respect to whom such accurate and full manifest in-  
20 formation is not provided, or with respect to whom the  
21 manifest information is not prepared as prescribed by this  
22 section or by regulations issued pursuant thereto. No ves-  
23 sel, aircraft, or land carrier shall be granted clearance  
24 pending determination of the question of the liability to  
25 the payment of such penalty, or while it remains unpaid,

1 and no such penalty shall be remitted or refunded, except  
 2 that clearance may be granted prior to the determination  
 3 of such question upon the deposit with the Commissioner  
 4 of a bond or undertaking approved by the Attorney Gen-  
 5 eral or a sum sufficient to cover such penalty.

6 “(i) WAIVER.—The Attorney General may waive the  
 7 requirements of subsection (a) or (b) upon such cir-  
 8 cumstances and conditions as the Attorney General may  
 9 by regulation prescribe.”.

10 (b) EFFECTIVE DATE.—The amendments made by  
 11 subsection (a) shall apply with respect to persons arriving  
 12 in, or departing from, the United States on or after the  
 13 date of enactment of this Act.

14 **SEC. 403. PREARRIVAL MESSAGES FROM OTHER VESSELS**  
 15 **DESTINED TO UNITED STATES PORTS.**

16 Section 4(a)(5) of the Ports and Waterways Safety  
 17 Act (33 U.S.C. 1223(a)(5)) is amended by striking para-  
 18 graph (5) and inserting the following:

19 “(5)(A) may require the receipt of prearrival  
 20 messages from any vessel destined for a port or  
 21 place subject to the jurisdiction of the United States,  
 22 not later than 96 hours before the vessel’s arrival or  
 23 such time as deemed necessary under regulations  
 24 promulgated by the Secretary to thoroughly examine

1 all information provided, which shall include with re-  
2 spect to the vessel—

3 “(i) the route and name of each port and  
4 each place of destination in the United States;

5 “(ii) the estimated date and time of arrival  
6 at each port or place;

7 “(iii) the name of the vessel;

8 “(iv) the country of registry of the vessel;

9 “(v) the call sign of the vessel;

10 “(vi) the International Maritime Organiza-  
11 tion (IMO) international number or, if the ves-  
12 sel does not have an assigned IMO international  
13 number, the official number of the vessel;

14 “(vii) the name of the registered owner of  
15 the vessel;

16 “(viii) the name of the operator of the ves-  
17 sel;

18 “(ix) the name of the classification society  
19 of the vessel;

20 “(x) a general description of the cargo on  
21 board the vessel;

22 “(xi) in the case of certain dangerous  
23 cargo—

24 “(I) the name and description of the  
25 dangerous cargo;

1 “(II) the amount of the dangerous  
2 cargo carried;

3 “(III) the stowage location of the dan-  
4 gerous cargo; and

5 “(IV) the operational condition of the  
6 equipment under section 164.35 of title 33  
7 of the Code of Federal Regulations;

8 “(xii) the date of departure and name of  
9 the port from which the vessel last departed;

10 “(xiii) the name and telephone number of  
11 a 24-hour point of contact for each port in-  
12 cluded in the notice of arrival;

13 “(xiv) the location or position of the vessel  
14 at the time of the report;

15 “(xv) a list of crew members onboard the  
16 vessel including with respect to each crew  
17 member—

18 “(I) the full name;

19 “(II) the date of birth;

20 “(III) the nationality;

21 “(IV) the passport number or mari-  
22 ners document number; and

23 “(V) the position or duties;

1           “(xvi) a list of persons other than crew  
2           members onboard the vessel including with re-  
3           spect to each such person—

4                   “(I) the full name;

5                   “(II) the date of birth;

6                   “(III) the nationality; and

7                   “(IV) the passport number; and

8                   “(xvii) any other information required by  
9           the Secretary; and

10           “(B) any changes to the information required  
11       by subparagraph (A), except changes in the arrival  
12       or departure time of less than 6 hours, must be re-  
13       ported as soon as practicable but not less than 24  
14       hours before entering the port of destination. The  
15       Secretary may deny entry of a vessel into the terri-  
16       torial sea of the United States if the Secretary has  
17       not received notification for the vessel in accordance  
18       with this paragraph.”.

19 **SEC. 404. TIME PERIOD FOR INSPECTIONS.**

20       (a) **REPEAL OF TIME LIMITATION ON INSPEC-**  
21 **TIONS.**—Section 286(g) of the Immigration and Nation-  
22 ality Act (8 U.S.C. 1356(g)) is amended by striking “,  
23 within forty-five minutes of their presentation for inspec-  
24 tion,”.

1 (b) STAFFING LEVELS AT PORTS OF ENTRY.—The  
 2 Immigration and Naturalization Service shall staff ports  
 3 of entry at such levels that would be adequate to meet  
 4 traffic flow and inspection time objectives without compro-  
 5 mising the safety and security of the United States.

## 6 **TITLE V—FOREIGN STUDENTS** 7 **AND EXCHANGE VISITORS**

### 8 **SEC. 501. FOREIGN STUDENT MONITORING PROGRAM.**

9 (a) STRENGTHENING REQUIREMENTS FOR IMPLE-  
 10 MENTATION OF MONITORING PROGRAM.—

11 (1) MONITORING AND VERIFICATION OF INFOR-  
 12 MATION.—Section 641(a) of the Illegal Immigration  
 13 Reform and Immigrant Responsibility Act of 1996  
 14 (8 U.S.C. 1372(a)) is amended by adding at the end  
 15 the following:

16 “(3) ALIENS FOR WHOM A VISA IS RE-  
 17 QUIRED.—The Attorney General, in consultation  
 18 with the Secretary of State, shall establish an elec-  
 19 tronic means to monitor and verify—

20 “(A) the issuance of documentation of ac-  
 21 ceptance of a foreign student by an approved  
 22 institution of higher education or other ap-  
 23 proved educational institution, or of an ex-  
 24 change visitor program participant by a des-  
 25 ignated exchange visitor program;

1           “(B) the transmittal of the documentation  
2           referred to in subparagraph (A) to the Depart-  
3           ment of State for use by the Bureau of Con-  
4           sular Affairs;

5           “(C) the issuance of a visa to a foreign  
6           student or an exchange visitor program partici-  
7           pant;

8           “(D) the admission into the United States  
9           of the foreign student or exchange visitor pro-  
10          gram participant;

11          “(E) the notification to an approved insti-  
12          tution of higher education, other approved edu-  
13          cational institution, or exchange visitor program  
14          that the foreign student or exchange visitor  
15          participant has been admitted into the United  
16          States;

17          “(F) the registration and enrollment of  
18          that foreign student in such approved institu-  
19          tion of higher education or other approved edu-  
20          cational institution, or the participation of that  
21          exchange visitor program in such designated ex-  
22          change visitor program, as the case may be;  
23          and

24          “(G) any other relevant act by the foreign  
25          student or exchange visitor program partici-



1           pant, including a changing of school or des-  
 2           ignated exchange visitor program and any ter-  
 3           mination of studies or participation in a des-  
 4           ignated exchange visitor program.

5           “(4) REPORTING REQUIREMENTS.—Not later  
 6           than 30 days after the deadline for registering for  
 7           classes for an academic term of an approved institu-  
 8           tion of higher education or other approved edu-  
 9           cational institution for which documentation is  
 10          issued for an alien as described in paragraph (3)(A),  
 11          or the scheduled commencement of participation by  
 12          an alien in a designated exchange visitor program,  
 13          as the case may be, the institution or program, re-  
 14          spectively, shall report to the Immigration and Nat-  
 15          uralization Service any failure of the alien to enroll  
 16          or to commence participation.”.

17          (2) ADDITIONAL REQUIREMENTS FOR DATA TO  
 18          BE COLLECTED.—Section 641(c)(1) of the Illegal  
 19          Immigration Reform and Immigrant Responsibility  
 20          Act of 1996 is amended—

21                 (A) by striking “and” at the end of sub-  
 22                 paragraph (C);

23                 (B) by striking the period at the end of  
 24                 subparagraph (D) and inserting “; and”; and

25                 (C) by adding at the end the following:

1           “(E) the date of entry and port of entry;

2           “(F) the date of the alien’s enrollment in  
3           an approved institution of higher education,  
4           other approved educational institution, or des-  
5           ignated exchange visitor program in the United  
6           States;

7           “(G) the degree program, if applicable, and  
8           field of study; and

9           “(H) the date of the alien’s termination of  
10          enrollment and the reason for such termination  
11          (including graduation, disciplinary action or  
12          other dismissal, and failure to re-enroll).”.

13          (3)   REPORTING    REQUIREMENTS.—Section  
14          641(c) of the Illegal Immigration Reform and Immi-  
15          grant Responsibility Act of 1996 is amended by add-  
16          ing at the end the following new paragraph:

17               “(5) REPORTING REQUIREMENTS.—The Attor-  
18          ney General shall prescribe by regulation reporting  
19          requirements by taking into account the curriculum  
20          calendar of the approved institution of higher edu-  
21          cation, other approved educational institution, or ex-  
22          change visitor program.”.

23          (b) INFORMATION REQUIRED OF THE VISA APPLI-  
24          CANT.—Prior to the issuance of a visa under section  
25          101(a)(15) (F) or (M) of the Immigration and Nationality

1 Act, each alien applying for such visa shall provide to a  
2 consular officer the following information:

3 (1) The alien's address in the country of origin.

4 (2) The names and addresses of the alien's  
5 spouse, children, parents, and siblings.

6 (3) The names of contacts of the alien in the  
7 alien's country of residence who could verify infor-  
8 mation about the alien.

9 (4) Previous work history, if any, including the  
10 names and addresses of employers.

11 (c) TRANSITIONAL PROGRAM.—

12 (1) IN GENERAL.—Not later than 120 days  
13 after the date of enactment of this Act and until  
14 such time as the system described in section 641 of  
15 the Illegal Immigration Reform and Immigrant Re-  
16 sponsibility Act (as amended by subsection (a)) is  
17 fully implemented, the following requirements shall  
18 apply:

19 (A) RESTRICTIONS ON ISSUANCE OF  
20 VISAS.—A visa may not be issued to an alien  
21 under section 101(a)(15) (F) or (M) of the Im-  
22 migration and Nationality Act unless—

23 (i) the Department of State has re-  
24 ceived from an approved institution of  
25 higher education or other approved edu-

1           cational institution electronic evidence of  
2           documentation of the alien's acceptance at  
3           that institution; and

4           (ii) the consular officer has adequately  
5           reviewed the applicant's visa record.

6           (B)       NOTIFICATION       UPON       VISA  
7           ISSUANCE.—Upon the issuance of a visa under  
8           section 101(a)(15) (F) or (M) of the Immigra-  
9           tion and Nationality Act to an alien, the Sec-  
10          retary of State shall transmit to the Immigra-  
11          tion and Nationality Act a notification of the  
12          issuance of that visa.

13          (C)       NOTIFICATION       UPON       ADMISSION       OF  
14          ALIEN.—The Immigration and Naturalization  
15          Service shall notify the approved institution of  
16          higher education or other approved educational  
17          institution that an alien accepted for such insti-  
18          tution or program has been admitted to the  
19          United States.

20          (D)       NOTIFICATION       OF       FAILURE       OF       EN-  
21          ROLLMENT.—Not later than 30 days after the  
22          deadline for registering for classes for an aca-  
23          demic term, the approved institution of higher  
24          education or other approved educational institu-  
25          tion shall inform the Immigration and Natu-

1           ralization Service of any failure of any alien de-  
 2           scribed in subparagraph (C) to enroll or to com-  
 3           mence participation.

4           (2) REQUIREMENT TO SUBMIT LIST OF AP-  
 5           PROVED INSTITUTIONS.—Not later than 30 days  
 6           after the date of enactment of this Act, the Attorney  
 7           General shall provide the Secretary of State with a  
 8           list of all approved institutions of higher education  
 9           or other approved educational institutions that are  
 10          authorized to receive nonimmigrants under section  
 11          101(a)(15) (F) and (M) of the Immigration and Na-  
 12          tionality Act.

13          (3) AUTHORIZATION OF APPROPRIATIONS.—  
 14          There are authorized to be appropriated such sums  
 15          as may be necessary to carry out this subsection.

16 **SEC. 502. REVIEW OF INSTITUTIONS AND OTHER ENTITIES**  
 17 **AUTHORIZED TO ENROLL OR SPONSOR CER-**  
 18 **TAIN NONIMMIGRANTS.**

19          (a) PERIODIC REVIEW OF COMPLIANCE.—The Com-  
 20          missioner of Immigration and Naturalization, in consulta-  
 21          tion with the Secretary of Education, shall conduct peri-  
 22          odic reviews of the institutions certified to receive non-  
 23          immigrants under section 101(a)(15) (F), (M), or (J) of  
 24          the Immigration and Nationality Act. Each review shall

1 determine whether the institutions are in compliance  
2 with—

3 (1) recordkeeping and reporting requirements  
4 to receive nonimmigrants under section 101(a)(15)  
5 (F), (M), or (J) of that Act; and

6 (2) recordkeeping and reporting requirements  
7 under section 641 of the Illegal Immigration Reform  
8 and Immigrant Responsibility Act of 1996 (8 U.S.C.  
9 1372).

10 (b) PERIODIC REVIEW OF SPONSORS OF EXCHANGE  
11 VISITORS.—

12 (1) REQUIREMENT FOR REVIEWS.—The Sec-  
13 retary of State shall conduct periodic reviews of the  
14 entities designated to sponsor exchange visitor pro-  
15 gram participants under section 101(a)(15)(J) of  
16 the Immigration and Nationality Act.

17 (2) DETERMINATIONS.—On the basis of reviews  
18 of entities under paragraph (1), the Secretary shall  
19 determine whether the entities are in compliance  
20 with—

21 (A) recordkeeping and reporting require-  
22 ments to receive nonimmigrant exchange visitor  
23 program participants under section  
24 101(a)(15)(J) of the Immigration and Nation-  
25 ality Act; and

1 (B) recordkeeping and reporting require-  
 2 ments under section 641 of the Illegal Immigra-  
 3 tion Reform and Immigrant Responsibility Act  
 4 of 1996 (8 U.S.C. 1372).

5 (c) EFFECT OF FAILURE TO COMPLY.—Failure of an  
 6 institution or other entity to comply with the record-  
 7 keeping and reporting requirements to receive non-  
 8 immigrant students or exchange visitor program partici-  
 9 pants under section 101(a)(15) (F), (M), or (J) of the  
 10 Immigration and Nationality Act, or section 641 of the  
 11 Illegal Immigration Reform and Immigrant Responsibility  
 12 Act of 1996 (8 U.S.C. 1372), may, at the election of the  
 13 Commissioner of Immigration and Naturalization, result  
 14 in the termination of the institution’s approval to receive  
 15 such students or the termination of the other entity’s des-  
 16 ignation to sponsor exchange visitor program participants,  
 17 as the case may be.

## 18 **TITLE VI—MISCELLANEOUS** 19 **PROVISIONS**

### 20 **SEC. 601. TREATMENT OF IMMIGRATION INSPECTORS AS** 21 **LAW ENFORCEMENT OFFICERS FOR PUR-** 22 **POSES OF FEDERAL RETIREMENT BENEFITS.**

23 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section  
 24 8331 of title 5, United States Code, is amended—

1 (1) in paragraph (20), by inserting “, and an  
 2 immigration inspector” after “administrative posi-  
 3 tion” in the first sentence;

4 (2) by striking “and” at the end of paragraph  
 5 (27)(B);

6 (3) by striking the period at the end of para-  
 7 graph (28) and inserting “; and”; and

8 (4) by adding at the end the following:

9 “(29) ‘immigration inspector’ means—

10 “(A) an employee in a position in the Im-  
 11 migration and Naturalization Service the prin-  
 12 cipal duties of which are to control and guard  
 13 the boundaries and borders of the United  
 14 States against illegal entry of aliens at ports of  
 15 entry; and

16 “(B) an employee of the Immigration and  
 17 Naturalization Service who is serving in a su-  
 18 pervisory or administrative position to which  
 19 the employee was transferred from a position  
 20 described in subparagraph (A).”.

21 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

22 Section 8401 of title 5, United States Code, is amended—

23 (1) in paragraph (17)—

24 (A) by striking “and” at the end of sub-  
 25 paragraph (C);



1 (B) by striking the period at the end of  
2 subparagraph (D) and inserting “; and”; and

3 (C) by adding at the end the following new  
4 subparagraph:

5 “(E) an immigration inspector;”;

6 (2) by striking “and” at the end of paragraph  
7 (33);

8 (3) by striking the period at the end of para-  
9 graph (34) and inserting “; and”; and

10 (4) by adding at the end the following new  
11 paragraph

12 “(35) ‘immigration inspector’ means—

13 “(A) an employee in a position in the Im-  
14 migration and Naturalization Service the prin-  
15 cipal duties of which are to control and guard  
16 the boundaries and borders of the United  
17 States against illegal entry of aliens at ports-of-  
18 entry; and

19 “(B) an employee of the Immigration and  
20 Naturalization Service who is serving in a su-  
21 pervisory or administrative position to which  
22 the employee was transferred directly from a  
23 position described in subparagraph (A) after  
24 having served in such a position for at least  
25 three years.”.

1 (c) EFFECTIVE DATE AND APPLICABILITY.—

2 (1) IN GENERAL.—The amendments made by  
3 this section shall—

4 (A) shall take effect on the first day of the  
5 first applicable pay period that begins on or  
6 after the date of the enactment of this Act; and

7 (B) shall apply with respect to service per-  
8 formed on or after such effective date.

9 (2) SUPERVISORS AND ADMINISTRATORS.—In  
10 the administration of paragraph (1)(B), a person  
11 serving on the effective date of this Act in a super-  
12 visory or administrative position as described in sec-  
13 tion 8331(29)(B) of title 5, United States Code, as  
14 amended by subsection (a), or section 8401(35)(B)  
15 of such title, as amended by subsection (b), shall be  
16 treated as serving in a law enforcement officer posi-  
17 tion beginning on such date for the purposes of sub-  
18 chapter III of chapter 83 of such title, or for pur-  
19 poses of chapter 84 of such title, respectively.

20 **SEC. 602. EXTENSION OF DEADLINE FOR IMPROVEMENT IN**  
21 **BORDER CROSSING IDENTIFICATION CARDS.**

22 Section 104(b)(2) of the Illegal Immigration Reform  
23 and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101  
24 note) is amended by striking “5 years” and inserting “6  
25 years”.

1 **SEC. 603. GENERAL ACCOUNTING OFFICE STUDY.**

2 (a) REQUIREMENT FOR STUDY.—

3 (1) IN GENERAL.—The Comptroller General of  
4 the United States shall conduct a study to determine  
5 the feasibility and utility of implementing a require-  
6 ment that each nonimmigrant alien in the United  
7 States submit to the Commissioner of Immigration  
8 and Naturalization each year a current address and,  
9 where applicable, the name and address of an em-  
10 ployer.

11 (2) NONIMMIGRANT ALIEN DEFINED.—In para-  
12 graph (1), the term “nonimmigrant alien” means an  
13 alien described in section 101(a)(15) of the Immi-  
14 gration and Nationality Act (8 U.S.C. 1101(a)(15)).

15 (b) REPORT.—Not later than 1 year after the date  
16 of enactment of this Act, the Comptroller General shall  
17 submit to Congress a report on the results of the study  
18 under subsection (a). The report shall include the Comp-  
19 troller General’s findings, together with any recommenda-  
20 tions that the Comptroller General considers appropriate.

21 **SEC. 604. INTERNATIONAL COOPERATION.**

22 (a) INTERNATIONAL ELECTRONIC DATA SYSTEM.—  
23 The Secretary of State and the Commissioner of Immigra-  
24 tion and Naturalization, in consultation with the Director  
25 of the Office of Homeland Security, shall jointly conduct  
26 a study of the alternative approaches (including the costs

1 of, and procedures necessary for, each alternative ap-  
2 proach) for encouraging or requiring Canada, Mexico, and  
3 countries treated as visa waiver program countries under  
4 section 217 of the Immigration and Nationality Act to de-  
5 velop an intergovernmental network of interoperable elec-  
6 tronic data systems that—

7           (1) facilitates real-time access to that country’s  
8       law enforcement and intelligence information that is  
9       needed by the Department of State and the Immi-  
10      gration and Naturalization Service to screen visa ap-  
11      plicants and applicants for admission into the  
12      United States to identify aliens who are inadmissible  
13      or deportable under the Immigration and Nationality  
14      Act;

15           (2) is interoperable with the electronic data sys-  
16      tem implemented under section 202; and

17           (3) performs in accordance with implementation  
18      of the technology standard referred to in section  
19      202(a).

20       (b) REPORT.—Not later than 90 days after the date  
21 of enactment of this Act, the Secretary of State and the  
22 Attorney General shall submit to the Committees on the  
23 Judiciary of the House of Representatives and the Senate

- 1 a report setting forth the findings of the study conducted
- 2 under subsection (a).

